

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

True the Vote, Jane Coln, Brandie §  
Correro, Chad Higdon, Jennifer Higdon, §  
Gene Hopkins, Frederick Lee Jenkins, §  
Mary Jenkins, Tavish Kelly, Donna §  
Knezevich, Joseph Knezevich, Doris Lee, §  
Lauren Lynch, Norma Mackey, Roy §  
Nicholson, Mark Patrick, Julie Patrick, §  
Paul Patrick, David Philley, Grant §  
Sowell, Sybil Tribble, Laura §  
VanOverschelde, and Elaine Vechorik §

Plaintiffs,

v.

The Honorable Delbert Hosemann, in his §  
official capacity as Secretary of State for §  
the State of Mississippi, The Republican §  
Party of Mississippi, Copiah County, §  
Mississippi Election Commission, Hinds §  
County, Mississippi Election §  
Commission, Jefferson Davis County, §  
Mississippi Election Commission, §  
Lauderdale County, Mississippi Election §  
Commission, Leake County, Mississippi §  
Election Commission, Madison County, §  
Mississippi Election Commission, Rankin §  
County, Mississippi Election §  
Commission, Simpson County, §  
Mississippi Election Commission, and §  
Yazoo County, Mississippi Election §  
Commission

Defendants.

Cause No. 3:14-cv-00532-NFA

**SUMMARY JUDGMENT EXHIBITS – VOLUME 5**

Exhibit	Description
12	Declaration of Susan Morse and Incident Reports
13	Declaration of Roy Nicholson
14	Harding Affidavit

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Correro,	§	
Chad Higdon, Jennifer Higdon, Gene	§	
Hopkins, Frederick Lee Jenkins, Mary	§	
Jenkins, Tavish Kelly, Donna Knezevich,	§	
Joseph Knezevich, Doris Lee, Lauren Lynch,	§	
Norma Mackey, Roy Nicholson, Mark	§	
Patrick, Julie Patrick, Paul Patrick, David	§	
Philley, Grant Sowell, Sybil Tribble, Laura	§	
VanOverschelde, and Elaine Vechorik	§	
Plaintiffs,	§	
v.	§	Cause No. 3:14-cv-00532-HTW-LRA
	§	
The Honorable Delbert Hosemann, in his	§	
official capacity as Secretary of State for the	§	
State of Mississippi, The Republican Party of	§	
Mississippi, Copiah County, Mississippi	§	
Election Commission, Hinds County,	§	
Mississippi Election Commission, Jefferson	§	
Davis County, Mississippi Election	§	
Commission, Lauderdale County,	§	
Mississippi Election Commission, Leake	§	
County, Mississippi Election Commission,	§	
Madison County, Mississippi Election	§	
Commission, Rankin County, Mississippi	§	
Election Commission, Simpson County,	§	
Mississippi Election Commission, and Yazoo	§	
County, Mississippi Election Commission	§	
Defendants.	§	

**DECLARATION**

By: Susan Morse

1. I, Susan Morse, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See* 28 U.S.C. § 1746.
2. In the days following the June 24 Republican Primary Run-Off Election, I was part of a group of True the Vote volunteers who requested access to voting records from Leake County. The purpose of my request was to determine whether or not voters who had voted in the Democratic Primary unlawfully double voted in

the Republican Primary Run-Off Election and whether any other irregularities had occurred during the Election.

3. I made an oral request at the Leake County circuit clerk's office on July 7, 2014 for voter pollbooks and absentee ballot applications and envelopes, and absentee ballot request forms. I made the request, along with Ellen Swenson to Kathy Henderson, the Circuit Clerk of Leake County. In making my request, I mentioned the request was made under the NVRA. After speaking with the attorney general's office, the clerk denied our request for complete records. She cited Mississippi Code 23-15-911 in denying our request.

4. I reduced my request to writing that day. I made a written request to the Leake County Circuit Clerk for lists of the Republican and Democratic voters who voted in their respective primary and run-off elections in person or by absentee ballot.

5. We returned to the Circuit Clerk's office on the afternoon of July 7, 2014 and asked for the attorney general's opinion regarding pollbooks and voter records Ms. Henderson had referenced in our prior conversations. Ms. Henderson was unable to provide such an opinion but informed us she would call us later to discuss our request.

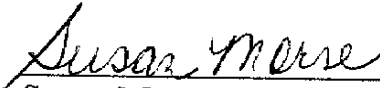
6. The following day, on July 8, 2014, Ms. Henderson phoned me regarding our visit. She informed me we could return for a disc containing some of the information requested. We could also return to view pollbooks but with redactions.

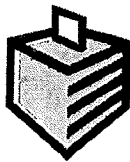
7. Attached to this declaration are true and correct copies of the incident reports I completed regarding my requests for records from Leake County. The reports are filled out in my own handwriting and I recognize the writing as a true and correct copy of the report I completed based on its appearance, contents and substance.

8. The attached incident reports were prepared by me to describe the events that occurred during my visits. I made the reports immediately after the events described therein and when those events were fresh in my memory. Upon completing the reports, I gave them to True the Vote to maintain in its records.

9. Further, declarant sayeth not.

Signed on this the 6<sup>th</sup> day of August, 2014.

  
\_\_\_\_\_  
Susan Morse



# TRUE the VOTE

## INCIDENT REPORT

NAME

Susan Murre

DATE

July 9, 2014

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD #

n/a

POLLING PLACE NAME

Leake County Precinct Park

ADDRESS

101 Court Square

CITY

Cortgage

STATE

ms

ZIP

39051

COUNTY

Leake

Please complete the fields below using your notes.

POLL SUPERVISOR

Leake Co. Precinct Park - Rocky D. Henderson

ASST POLL SUPERVISOR

n/a

CLERK 1 NAME

n/a

CLERK 2 NAME

CLERK 3 NAME

n/a

CLERK 4 NAME

OFFENDER POSITION

n/a

DATE/TIME OF INCIDENT

July 9, 2014

Continue to Second Page

EXHIBIT 12-A

July 9, 2014



# TRUE the VOTE

## TYPE OF INCIDENT

Refusal of Request to Inspect Absentee Application  
Related Document

## DESCRIPTION OF INCIDENT

Clerk Henderson called me at 9:01 a.m. to see if I was ready to bring back to view the Poll Book today. I told her I didn't think so as we needed to inspect the Absentee Ballot Apps, Request Form, & the Absentee Ballot envelopes. She said let know how I want to see them. She asked what I let her know if I decide to come. She did not mention the electronic Vot Request today & neither did I.

## REMEDY OR ACTION TAKEN

I certify and affirm that the above information is true and correct.

## SIGNATURE

*Susan Moore*

July 9, 2014

Mail To:  
True the Vote  
P.O. Box 27378  
Houston, Texas 77227

Scan and E-mail to:  
[info@truethevote.org](mailto:info@truethevote.org)



*415 N. 5th Ave*  
*Laurel*  
**BART GAVIN**  
Circuit Clerk - Jones County

1st Judicial District  
101 N. Court Street, Suite B  
Ellisville, MS 39437  
(601) 477-8538  
Fax (601) 477-8539

2nd Judicial District  
P.O. Box 1336  
Laurel, MS 39441  
(601) 425-2556  
Fax (601) 399-4774



**MELISSA DUCKWORTH**  
**COVINGTON COUNTY**  
**CIRCUIT CLERK**  
mduckworth@covingtoncountymiss.gov

101 Main & Dogwood  
P.O. Box 667  
Collins, MS 39428

(P) 601-765-6506  
(F) 601-765-5012

**Office Hours: M-F 8:00 A.M. - 5:00 P.M.**

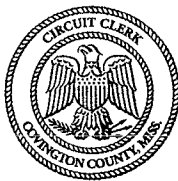


*Kathy G. Henderson*  
*Leake County Circuit Clerk*

P.O. Box 67  
Carthage, MS 39051

Phone: 601-267-8337  
Fax: 601-267-8889

*cell*  
*601 862-8978*

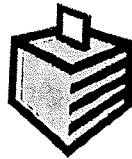


**MELISSA DUCKWORTH**  
**COVINGTON COUNTY**  
**CIRCUIT CLERK**  
mduckworth@covingtoncountymiss.gov

101 Main & Dogwood  
P.O. Box 667  
Collins, MS 39428

(P) 601-765-6506  
(F) 601-765-5012

**Office Hours: M-F 8:00 A.M. - 5:00 P.M.**



# TRUE the VOTE

## INCIDENT REPORT

**NAME** Susan Morse

**DATE** July 8, 2014

Please complete the fields below using the notes from your activities as a poll watcher

**PRECINCT/WARD #** n/a

**POLLING PLACE NAME** Leake County Circuit Court, Mississippi

**ADDRESS** 101 Court Square

**CITY** Carthage

**STATE** MS

**ZIP** 39051

**COUNTY** Leake

Please complete the fields below using your notes.

**POLL SUPERVISOR** Leake Co Circuit Clerk, Kathy D. Henderson

**ASST POLL SUPERVISOR** n/a

**CLERK 1 NAME** n/a

**CLERK 2 NAME** n/a

**CLERK 3 NAME** n/a

**CLERK 4 NAME** n/a

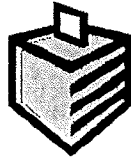
**OFFENDER POSITION** n/a

**DATE/TIME OF INCIDENT** July 8, 2014

Continue to Second Page

EXHIBIT 12-B





# TRUE the VOTE

## TYPE OF INCIDENT

Refusal for Inspection of Absentee Applications & Related Documents

## DESCRIPTION OF INCIDENT

Clerk Kathy Henderson called me this morning at approximately 9:43 a.m. to say we could come in to the office today and view the poll book but could not view the Absentee Ballot Applications, Absentee Ballot Request Forms or the Absentee Ballot envelopes. She asked where we were going next - I ~~said~~ said I wasn't sure yet. She said Election Commissioners were there today & would wait for us if we would come today to view poll books. I told her I couldn't tell her that. She said she would be there tomorrow also.

## REMEDY OR ACTION TAKEN

Electronic reports request was granted & we could pick up the data when we came back ~~back~~ to view poll books. She fee would be \$100 & did we want it - I said yes we wanted it & would put the \$100 to her - I was not sure if we would be looking at poll books as we believe we are authorized to review all the docs we requested - She said AG gave us his opinion & she couldn't let us do that - I told her I would let her know about coming back.

I certify and affirm that the above information is true and correct.

(including attachments)

Continued on Pg 2 →

## SIGNATURE

Susan Morse

July 8, 2014

Mail To:  
True the Vote  
P.O. Box 27378  
Houston, Texas 77227

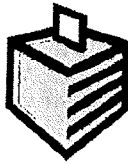
Scan and E-mail to:  
info@truethevote.org

Attachment to TTV Incident Report

July 8, 2014

She also mentioned I should call AG and have him tell me if we get our request for his denial in writing - I told her I thought she didn't want me to do that - She said well I have rethought that & I think you should call & talk to him directly.

Susan Morse  
(408) 482-4663



# TRUE the VOTE

## INCIDENT REPORT

**NAME** Susan Morse

**DATE** July 7, 2014

Please complete the fields below using the notes from your activities as a poll watcher

**PRECINCT/WARD #**

**POLLING PLACE NAME** Leake County Circuit Court, Mississippi

**ADDRESS** 101 Court Square

**CITY** Carthage

**STATE** MS

**ZIP** 39651

**COUNTY** Leake

Please complete the fields below using your notes.

**POLL SUPERVISOR** Leake Co. Circuit Clerk, Kathy D. Henderson

**ASST POLL SUPERVISOR** n/a

**CLERK 1 NAME** n/a

**CLERK 2 NAME** n/a

**CLERK 3 NAME** n/a

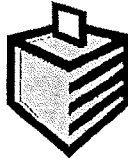
**CLERK 4 NAME** n/a

**OFFENDER POSITION** n/a

**DATE/TIME OF INCIDENT** Jul 7, 2014

Continue to Second Page

EXHIBIT 12-C



# TRUE the VOTE

## TYPE OF INCIDENT

Request of AG opinion in writing.

## DESCRIPTION OF INCIDENT

at 4:15 p.m. I went back into Clerk's office & ask Mrs. Henderson for a writing of A.G.'s opinion refusing us to inspect the Ballot Box documents & Poll books. She said you want something in writing? I told her yes I did & she could write it for us & state what the A.G. told her to tell us. She responded & said, I'm not writing that, but I'll ask the AG to write it for you. But if you are asking for a written opinion letter that could take along time. Let me see if I can get something for you.

## REMEDY OR ACTION TAKEN

18/14 Later she called me & said she was den-thrity the AG assue (let her msg.) & she would give me a number to call him myself if I wanted to.  
I did not call her back or I rec'd the msg. late in the afternoon of 5 p.m.

I certify and affirm that the above information is true and correct.

## SIGNATURE

Susan Moore

Mail To:

True the Vote  
P.O. Box 27378  
Houston, Texas 77227

Scan and E-mail to:  
info@truethevote.org

## Public Records Request

July 7, 2014

To: Deake County, Circuit Court, Mississippi

From: Susan Morse, Inmate Vote, Citizen

Re: Request for Public Records as follows:

1. Lists of all Republican Voters who voted in the June 3, 2014 primary, by precinct

- in person on election day
- via absentee ballot

2. Lists of all Democrat Voters who voted in the June 3, 2014 primary, by precinct

- in person on election day
- via absentee ballot

3. Lists of all Democrat Voters who voted in the June 24th, 2014 Runoff, by precinct

- in person on election day
- via absentee ballot

4. Lists of all Republican Voters who voted in the June 24th runoff, by precinct

- in person on election day
- via absentee ballot

Public Records Request - Pg 2

July 7, 2014

Format -

Please provide the above requested lists/  
documents in #1-4 above as follows:

- Non PDF format (Excel, preferred)
- Emailed to [taylor@truethevote.org](mailto:taylor@truethevote.org)

For questions: Contact [vpullen@entouch.net](mailto:vpullen@entouch.net)  
or you can reach <sup>Susan Morse</sup> ~~me~~ at (408) 482-4663

Susan Morse  
July 7, 2014



# TRUE *the* VOTE

## INCIDENT REPORT

**NAME** Susan Morse

**DATE** July 7, 2014

Witness: Ellen Severson

Please complete the fields below using the notes from your activities as a poll watcher

**PRECINCT/WARD #** n/a

**POLLING PLACE NAME** Leake County Circuit Court

**ADDRESS** 101 Court Square

**CITY** Carthage

**STATE** MS

**ZIP** 39051

**COUNTY** Leake

Please complete the fields below using your notes.

**POLL SUPERVISOR** Leake County Circuit Clerk: Kathy D. Henderson

**ASST POLL SUPERVISOR** n/a

**CLERK 1 NAME** n/a

**CLERK 2 NAME** n/a

**CLERK 3 NAME** n/a

**CLERK 4 NAME** n/a

**OFFENDER POSITION**

**DATE/TIME OF INCIDENT** 7/7/2014 11:00 am - 1:00 pm

Continued to Second Page

EXHIBIT 12-D

July 7, 2014



**TRUE** *the* **VOTE**

**TYPE OF INCIDENT**

Refusal of inspection of absentee ballot application & Related Docs.

**DESCRIPTION OF INCIDENT**

See Attached

**REMEDY OR ACTION TAKEN**

I certify and affirm that the above information is true and correct.

**SIGNATURE**

Susan Morse  
*[Signature]*

Mail To:

True the Vote  
P.O. Box 27378  
Houston, Texas 77227

Scan and E-mail to:  
[info@truethevote.org](mailto:info@truethevote.org)



Pg. 1

Attachment: Descriptive Abstract  
July 7, 2014

I requested to inspect the original absentee ballot applications, Absentee Ballot Request Forms, Absentee Ballot Envelopes and Poll Book for the June 24, 2014 Runoff.

Mrs. Kathy Henderson requested we write down exactly what we wanted. ~~And before we~~ I did & she indicated she would have to make a call to check our right to access.

I mentioned our authority was under NVRA & gave her Atty. Nogue's memo dated July 6, 2014. As we were waiting for her to make her call, at approx 11:35 a.m. a Jordan Russell, came in & said he was from the Cochran Campaign. She took him outside the office in the hall & spoke to him out of our presence. He mentioned he wanted access to the room.

At noon, Mrs. Henderson called us up to the Courthouse to give us an update. She had spoken to the Attorney General's office & had given them our memo from Atty. Nogue mentioned above. The AG's opinion was that we did not have <sup>any</sup> right to inspect the Ballot Box documents unrequested that only a candidate or a candidate's rep. can inspect these documents. I then asked if the

Attachment: Description of Confidential

(2)

July 7, 2014

Had cited authority in his opinion, she said no she would call him back & let us know.

We left for a break at noon & returned approx. 1 pm. Mrs. Nordstrom said I have some answers for you but you're not going to like it. The AG's citation in its opinion is Miss. Code 2315-911. I requested if she talked to the Attorney General or someone else. She said I spoke to Phil Carter an Attorney in the Attorney General's Office.

I again reiterated NVRA did authorize "public inspection" & we were citizens requesting to look at these documents. I showed her in Atty. Hogue's memo of July 6, 2014 ~~that~~ the relevant language "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of . . ."

She understood but said Attorney told her this was different.

I informed her we needed to make a call & would return -

Susan Moore  
E.H. Jr.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

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Norma Mackey, Roy Nicholson, Mark §  
Patrick, Julie Patrick, Paul Patrick, David §  
Phillely, Grant Sowell, Sybil Tribble, Laura §  
VanOverschelde, and Elaine Vechorik §

Plaintiffs,

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Cause No. 3:14-cv-00532-HTW-LRA

The Honorable Delbert Hosemann, in his §  
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State of Mississippi, The Republican Party of §  
Mississippi, Copiah County, Mississippi §  
Election Commission, Hinds County, §  
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Mississippi Election Commission, Leake §  
County, Mississippi Election Commission, §  
Madison County, Mississippi Election §  
Commission, Rankin County, Mississippi §  
Election Commission, Simpson County, §  
Mississippi Election Commission, and Yazoo §  
County, Mississippi Election Commission §

Defendants.

**DECLARATION**

By: Roy Nicholson

1. I, Roy Nicholson, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See* 28 U.S.C. § 1746.
2. In the days immediately following the June 24 Primary Run-Off Election, I requested access to voting poll books from Rankin County's Circuit Clerk, Becky Boyd. The purpose of the request was to determine whether or not voters who had

EXHIBIT 13



voted in the Democratic Primary unlawfully double voted in the Republican Primary Run-Off Election.

3. I made an oral request for the records in person at Ms. Boyd's office on June 27, 2014.

4. In the presence of three witnesses whose names are Sandra Inman, Larry and Elva Eubanks, Ms. Boyd informed me that she could not and would not permit me to access and inspect the voter poll books because the books contained information deemed by the Secretary of State to be confidential. She explained she was in possession of an e-mail from the Secretary of State instructing not to disclose poll books to the public with confidential information contained therein.

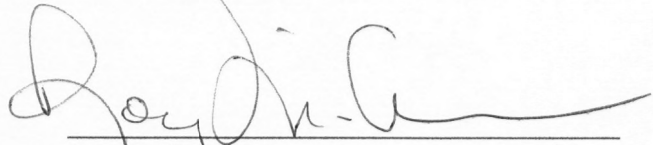
5. In addition to claiming the Secretary of State's instructions as reason to not allow us to even view the original poll books she added that the County Attorney told her that the poll books are not subject to public information requests because they are not public records but county property.

6. Ms. Boyd offered that she could only allow inspection of the poll books by the public if the dates of birth corresponding to each voter were redacted. She instructed that I had to pay for the cost of redaction and estimated the cost to be \$1,400. Ms. Boyd further instructed that the costs for such redaction must be paid up-front.

7. Based on Ms. Boyd's instructions, I was unable to access or inspect the voter poll books within Rankin County.

8. Further, declarant sayeth not.

Signed on this the 16<sup>th</sup> day of July, 2014 in RANKIN County,  
Mississippi.

  
Roy Nicholson

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

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Joseph Knezevich, Doris Lee, Lauren Lynch, §  
Norma Mackey, Roy Nicholson, Mark §  
Patrick, Julie Patrick, Paul Patrick, David §  
Phillely, Grant Sowell, Sybil Tribble, Laura §  
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County, Mississippi Election Commission, §  
Madison County, Mississippi Election §  
Commission, Rankin County, Mississippi §  
Election Commission, Simpson County, §  
Mississippi Election Commission, and Yazoo §  
County, Mississippi Election Commission §

Defendants.

**VERIFICATION REGARDING DESTRUCTION  
OF ORIGINAL ELECTION RECORDS**

By: Phillip C. Harding III

1. "I, Phillip C. Harding III, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See* 28 U.S.C. § 1746.
2. I served as district coordinator for District 4 in Harrison County.
3. I was at the Harrison County, Mississippi Circuit Clerk's Office on Friday June 27th, Monday June 30th, Tuesday and Wednesday July 1st and 2nd, and Monday-Friday

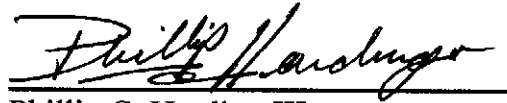
EXHIBIT 14

July 9-11, 2014 to review poll books related to the 2014 Republican Primary Election for Mississippi Senate office.

4. The County allowed me access to the poll books related to the election, however, the County required that I pay for personal information to be redacted from the poll books. Specifically, the County indicated that the birth dates of voters must be redacted.
5. I witnessed that the original poll books for Harrison County were being redacted with "Sharpie" (black permanent marker) and "White-Out" (white permanent ink). Thus, it appears that the information in the original copies of the poll books are being destroyed.

Further, declarant sayeth not."

Signed on this the 15th day of July, 2014 in Harrison County, Mississippi.

  
Phillip C. Harding III

IN THE UNITED STATES DISTRICT COURT  
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Plaintiffs, §

v. §

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Mississippi, Copiah County, Mississippi §  
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Commission, Lauderdale County, §  
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County, Mississippi Election Commission, §  
Madison County, Mississippi Election §  
Commission, Rankin County, Mississippi §  
Election Commission, Simpson County, §  
Mississippi Election Commission, and Yazoo §  
County, Mississippi Election Commission §

Defendants.

**VERIFICATION TO MOTION FOR TEMPORARY RESTRAINING ORDER**

TRUE THE VOTE

By: \_\_\_\_\_

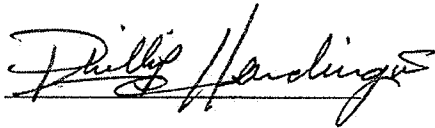
1. "I, Phillip C. Harding III, verify the following is true and correct under penalty of perjury under the laws of the United States of America. *See* 28 U.S.C. § 1746.

2. I served as district coordinator for District 4 in Harrison County.

3. I was at the Harrison County Election Commission's Office Tuesday, July 1, 2014 on or about 2pm. I was assisting in cleaning out the supply bins that the poll managers used and restoring the pens, pencils, posters, etc.

4. In a one of the bins I found a small stack of provisional ballots, unopened. I gave the provisional ballots to an Executive Committee member who took control of them. I also found absentee ballot bags in several of the supply bins. Some had opened envelopes and applications in them. I took the applications and envelopes out because I did not know what to do with them, but believed they should be saved. After setting them aside I saw another volunteer dispose of them at executive committee members' direction.

5. Further, affiant sayeth not."



Phillip C. Harding III

Executed on July 9th, 2014.

Sworn to and subscribed  
Before me, this the 9<sup>th</sup> day of  
July 2014. Monique Pietrowski  
Notary Public

